

ORIGINAL

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

T04-0036

STIPULATED AGREEMENT NO. 1085

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("COMMISSION"), The Burlington Northern Santa Fe Railway Company ("COMPANY"), the City of Monmouth ("CITY"), Monmouth Township Road District ("ROAD DISTRICT"), and the State of Illinois, Department of Transportation ("DEPARTMENT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through informal correspondence that inquiry should be made into the matter of improving public safety at several highway-rail grade crossings of the Company's track located in and near Monmouth, Warren County, Illinois, identified as 100<sup>th</sup> Street/Warren School Road, located in Monmouth Township, 11th Street, 8<sup>th</sup> Street, 6<sup>th</sup> Street, 3<sup>rd</sup> Street, Main Street, D Street, and Sunny Lane, all located in the City of Monmouth, designated as crossings (DOT 079 220S, MP 175.6), (DOT 063 063D, MP 177.7), (DOT 063 064K, MP 178.21), (DOT 063 065S, MP 178.4), (DOT 063 067F, MP 178.61), (DOT 063 096U, MP 178.8), (DOT 063 071V, MP 179.1), and (DOT 063 072C, MP 179.5), respectively; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossings by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersections, train movements, vehicular traffic volumes, and sight distances and other pertinent data relating to the crossings has been obtained and shown on Exhibits A, A-1, A-2, A-3, A-4, A-5, A-6, and A-7 attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

DOCKETED

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossings should be:

**100<sup>th</sup> Street/Warren School Road  
(DOT 079 220S, MP 175.6)**

- a) The Company should replace the existing antiquated automatic warning devices with new automatic flashing light signals and gates, controlled by constant warning time circuitry.

**11<sup>th</sup> Street  
(DOT 063 063D, MP 177.7)**

- b) The Company should replace the existing antiquated automatic warning devices with new automatic flashing light signals and gates, controlled by constant warning time circuitry.
- c) The Company should perform minor repairs to the existing crossing surfaces to meet the requirements of 92 Illinois Administrative Code 1535.

**8<sup>th</sup> Street  
(DOT 063 064K, MP 178.21)**

- d) The Company should replace the existing antiquated automatic warning devices with new automatic flashing light signals and gates, controlled by constant warning time circuitry.

**6<sup>th</sup> Street  
(DOT 063 065S, MP 178.4)**

- e) The Company should replace the existing antiquated automatic warning devices with new automatic flashing light signals and gates, controlled by constant warning time circuitry.

**3<sup>rd</sup> Street  
(DOT 063 067F, MP 178.61)**

- f) The Company should replace the existing antiquated automatic warning devices with new automatic flashing light signals and gates, controlled by constant warning time circuitry.
- g) The Company should perform minor repairs to the existing crossing surfaces to meet the requirements of 92 Illinois Administrative Code 1535.

**Main Street  
(DOT 063 096U, MP 178.8)**

- h) The Company should replace the existing antiquated automatic warning devices with new automatic flashing light signals and gates, controlled by constant warning time circuitry.

- i) The Company should repair the existing crossing surfaces, so that the crossing surfaces meet requirements of 92 Illinois Administrative Code Part 1535; both pedestrian crossing surfaces should be replaced.

**"D" Street**  
**(DOT 063 071V, MP 179.1)**

- j) The Company should replace the existing antiquated automatic warning devices with new automatic flashing light signals and gates, controlled by constant warning time circuitry.

**Sunny Lane**  
**(DOT 063 072C, MP 179.5)**

- k) The Company should replace the existing antiquated automatic warning devices with new automatic flashing light signals and gates, controlled by constant warning time circuitry.

Section 3           The Company has prepared preliminary estimates of cost to accomplish the proposed improvements, which it may be required to perform. Said estimates are attached as Exhibits B, B-1, B-2, B-3, B-4, B-5, B-6 and B-7. The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4           The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be (120) days and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this Agreement.

Section 5           The parties hereto agree that an equitable division of cost for the proposed improvements should be:

Improvement	Estimated Cost	Grade Crossing Protection Fund	Railroad	City	Road District
Warning device improvements listed in Sections 2 (a), (b), (d), (e), (f), (h), (j), and (k)	\$1,568,620	50% <sup>1</sup> (\$784,310)	50% <sup>2</sup> (\$784,310)	0%	0%
Crossing surface improvements listed in Sections 2 (c), (g) and (i)	No Estimate	0%	100%	0%	0%
<b>Total</b>	<b>\$1,568,620</b>	<b>\$784,310</b>	<b>\$784,310</b>	<b>\$00.00</b>	<b>\$00.00</b>

**Notes:**

<sup>1</sup> The Grade Crossing Protection Fund should pay 50% of the actual installation cost, not to exceed \$784,310.

<sup>2</sup> The Company should pay any remaining installation costs, as well as all future operating and maintenance costs.

<sup>3</sup> The cost for the improvements listed in Section 2 (c), (g) and (i) should be paid 100% by the Company, as well as all future maintenance costs.

**Section 6** Special Provisions: The Company shall, at six (6) month intervals from the date of Commission Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a written report stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of Company employee responsible for management of the project.

All bills for expenditures authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit of the Illinois Department of Transportation's Bureau of Local Roads and Streets, Illinois Department of Transportation, Central Bureau of Local Roads and Streets, Room 205, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all bills to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twenty-four (24) months from the date of Commission Order subsequent to this Agreement. The Department shall, at the end of the 24<sup>th</sup> month from the Commission Order date, de-obligate all residual funds accountable for installation cost for this project.

625 ILCS 5/18c-1701 and 1704 require each "person", as defined by Section 18c-1104, to comply with every regulation or order of the Commission. These sections further provide that any person who fails to comply with a Commission regulation or order shall forfeit to the state not more than \$1,000 for each such failure, with each day's continuance of the violation being considered a separate offense. While the Commission expects the Company to comply with this Order in all matters addressed herein and in a timely manner, the Commission advises the Company that any failure to comply may result in the assessment of such sanctions.

Any person making a Request For Extension Of Time up to 30 days to complete a project ordered by the Commission must file a request with the Director of Processing no later than 14 days in advance of the scheduled deadline. An Administrative Law Judge will consider and decide the request.

Any person requesting an extension of time that exceeds 30 days must file a Petition For Supplemental Order with the Director of Processing no later than 21 days in advance of the scheduled deadline. The Commission will decide Petitions For Supplemental Orders.

Requests For Extension Of Time and Petitions For Supplemental Orders must include the reason(s) the additional time is needed to complete the work and the time within which the project will be completed. Prior to submitting a Request For Extension Of Time or a Petition For Supplemental Order, the person must notify the Commission's Rail Safety Program Administrator that it is unable to complete the project within the ordered time.

The Commission or its Administrative Law Judge reserves the right to deny Petitions For Supplemental Order and Requests For Extension Of Time, if the reason(s) supporting the request is insufficient or where it appears the person has not made a good faith effort to complete the project within the allotted time. Failure of the Commission or Administrative Law Judge to act on a pleading prior to the deadline means the originally ordered completion date remains in effect.

This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 2<sup>nd</sup> day of **March**, 2004.

A handwritten signature in dark ink, appearing to read "M. E. Stead", written over a horizontal line.

Michael E. Stead  
Rail Safety Program Administrator

Attest:


A handwritten signature in dark ink, appearing to read "Henry Humphries", written over a horizontal line.

Henry Humphries  
Railroad Safety Specialist

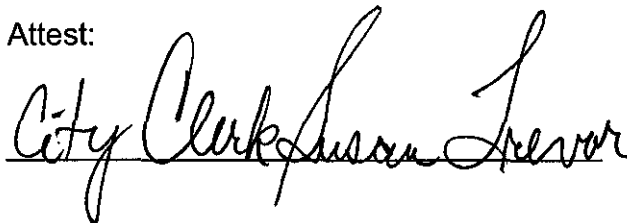
Illinois Commerce Commission Stipulated Agreement No. **1085** concerning safety improvements at several highway-rail grade crossings of the Company's track located in and near Monmouth, Warren County, Illinois, identified as 100<sup>th</sup> Street/Warren School Road, located in Monmouth Township, 11th Street, 8<sup>th</sup> Street, 6<sup>th</sup> Street, 3<sup>rd</sup> Street, Main Street, D Street, and Sunny Lane located in the City of Monmouth, designated as crossings (DOT 079 220S, MP 175.6), (DOT 063 063D, MP 177.7), (DOT 063 064K, MP 178.21), (DOT 063 065S, MP 178.4), (DOT 063 067F, MP 178.61), (DOT 063 096U, MP 178.8), (DOT 063 071V, MP 179.1), and (DOT 063 072C, MP 179.5), respectively.

Executed by the CITY this 5 day of March 2004.

CITY OF MONMOUTH

By: 

Attest:



**RECEIVED**  
MAR 9 2004

Illinois Commerce Commission  
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement No. 1085 concerning safety improvements at several highway-rail grade crossings of the Company's track located in and near Monmouth, Warren County, Illinois, identified as 100<sup>th</sup> Street/Warren School Road, located in Monmouth Township, 11th Street, 8<sup>th</sup> Street, 6<sup>th</sup> Street, 3<sup>rd</sup> Street, Main Street, D Street, and Sunny Lane located in the City of Monmouth, designated as crossings (DOT 079 220S, MP 175.6), (DOT 063 063D, MP 177.7), (DOT 063 064K, MP 178.21), (DOT 063 065S, MP 178.4), (DOT 063 067F, MP 178.61), (DOT 063 096U, MP 178.8), (DOT 063 071V, MP 179.1), and (DOT 063 072C, MP 179.5), respectively.

Executed by the Department this 26<sup>th</sup> day of March 2004.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By: Victor A. Modler  
Director of Highways



Illinois Commerce Commission Stipulated Agreement No. **1085** concerning safety improvements at several highway-rail grade crossings of the Company's track located in and near Monmouth, Warren County, Illinois, identified as 100<sup>th</sup> Street/Warren School Road, located in Monmouth Township, 11th Street, 8<sup>th</sup> Street, 6<sup>th</sup> Street, 3<sup>rd</sup> Street, Main Street, D Street, and Sunny Lane located in the City of Monmouth, designated as crossings (DOT 079 220S, MP 175.6), (DOT 063 063D, MP 177.7), (DOT 063 064K, MP 178.21), (DOT 063 065S, MP 178.4), (DOT 063 067F, MP 178.61), (DOT 063 096U, MP 178.8), (DOT 063 071V, MP 179.1), and (DOT 063 072C, MP 179.5), respectively.

Executed by the ROAD DISTRICT this 30 day of March 2004.

MONMOUTH TOWNSHIP ROAD  
DISTRICT

By: Dennis McChery

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APR 2 2004

Illinois Commerce Commission  
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement No. **1085** concerning safety improvements at several highway-rail grade crossings of the Company's track located in and near Monmouth, Warren County, Illinois, identified as 100<sup>th</sup> Street/Warren School Road, located in Monmouth Township, 11th Street, 8<sup>th</sup> Street, 6<sup>th</sup> Street, 3<sup>rd</sup> Street, Main Street, D Street, and Sunny Lane located in the City of Monmouth, designated as crossings (DOT 079 220S, MP 175.6), (DOT 063 063D, MP 177.7), (DOT 063 064K, MP 178.21), (DOT 063 065S, MP 178.4), (DOT 063 067F, MP 178.61), (DOT 063 096U, MP 178.8), (DOT 063 071V, MP 179.1), and (DOT 063 072C, MP 179.5), respectively.

Executed by the Company this 12<sup>TH</sup> day of April 2004.

THE BURLINGTON NORTHERN AND  
SANTA FE RAILWAY COMPANY

By: Gregory C Fox

APPROVED AS TO FORM 4/6/04  
Willow

Burlington Northern Santa Fe Law Department

Attest:

Cheryl Jarboe

**ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT  
CROSSING DATA FORM**

**GENERAL INFORMATION:** See Location Sketch

<b>RAILROAD</b>	BNSF
<b>USDOT#, MILEPOST</b>	079220S, 175.65
<b>STREET, CITY, COUNTY</b>	100 <sup>th</sup> Street (TR-128), near Monmouth, Warren County
<b>JURISDICTION (RDWY)</b>	Monmouth Township
<b>LOCATION</b>	Rural, Commercial
<b>STREET SURFACE</b>	Oil/Chip, 21', Fair Condition

**CROSSING DATA:** See Location Sketch for roadway profile and track centers

<b>TRACK (W-E or N-S)</b>	<b>SURFACE TYPE</b>	<b>SURFACE WIDTH</b>	<b>SURFACE CONDITION</b>
Main	Concrete	24'	Good
Main	Concrete	24'	Good

**ROADWAY DATA:** See Location Sketch

<b>INTERSECTING ROADS:</b>	[38"] 180 <sup>th</sup> Avenue
<b>TRAFFIC CONTROL</b>	Stop signs at 180 <sup>th</sup> Street
<b>ADT &amp; SPEED</b>	225 Vehicles Per Day @ 55[unposted] MPH #
<b>TRAFFIC TYPE</b>	Passenger, School Buses, Hazardous Materials, all possible
<b>ADVANCE WARNING</b>	YES
<b>PAVEMENT MARKING</b>	NO

# Stop sign at 180th Street and 100<sup>th</sup> Street. Vehicles moving slow due to having been stopped or turning off 180<sup>th</sup> to 100<sup>th</sup> Street

**RAILROAD DATA:** See Location Sketch

<b>FREIGHT TRAFFIC</b>	30 per day @ 60 MPH, Day & Night? Yes
<b>PASSENGER TRAFFIC</b>	2 per day @ 79 MPH
<b>WARNING DEVICES</b>	AFLS/Gates

**NOTES:**

**VISIBILITY STUDY:** See Location Sketch

<b>Train Speed</b>	N/A	<b>MPH</b>
<b>Roadway Speed</b>	N/A	<b>MPH</b>
<b>Required Stopping Sight Distance (SSD)</b>	N/A	
Along Roadway	N/A	<b>FEET</b>
Along Tracks	N/A	<b>FEET</b>
<b>Required Clearing Sight Distance (CSD) (Along Tracks)</b>	N/A	<b>FEET</b>

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

<b>QUADRANT</b>	<b>CSD (FT)</b>	<b>OBSTRUCTION</b>	<b>SSD (FT)</b>	<b>OBSTRUCTION</b>
<b>NE</b>	N/A		N/A	
<b>NW</b>	N/A		N/A	
<b>SE</b>	N/A		N/A	
<b>SW</b>	N/A		N/A	

\*Note: Automatic flashing light signals and gates eliminate the need to satisfy minimum Sight Distance criteria.

**APPROACH GRADES:** See Location Sketch

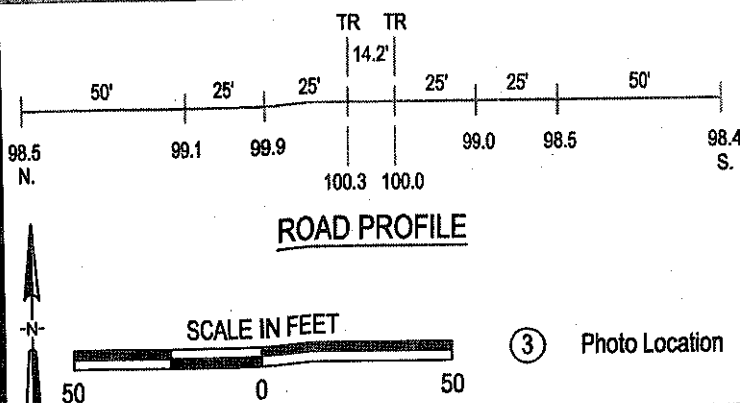
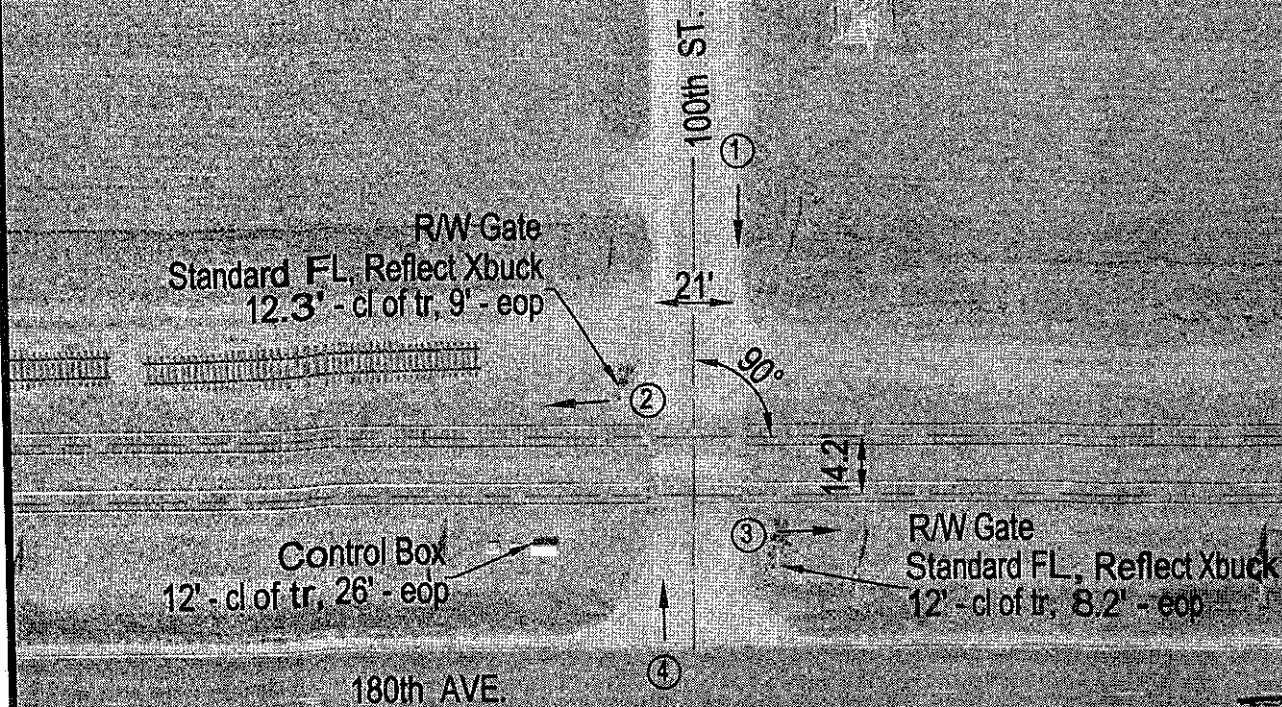
<b>DIRECTION: EAST/NORTH</b>			<b>DIRECTION: WEST/SOUTH</b>		
<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>	<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>
25	.1	.4	25	1'	4
50	.8	3.2	50	.5	2

Distance measured from outermost rail.

**COMMENTS:**

Staff recommends the cost for installing new automatic warning devices at this crossing be paid by the Grade Crossing Protection Fund and The Burlington Northern and Santa Fe Railway Company.

See Page 3 for Location Sketch(Arial Photo) of the crossing.



Crossing #: 079220S

Location: Warren Co., City of Monmouth (N)

Lat/Long: 40°53'26" / 50°35'36"

Railroad: BNSF

Street: 100th St.

Railroad Milepost: 175.65

Crossing Protection: Train Activated Devices